UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,314	03/26/2004	Seppo Pohja	NOKM.091PA	9647

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EXAMINER
FISHER, PAUL R

ART UNIT	PAPER NUMBER
3689	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/811,314	POHJA ET AL.
	Examiner	**Art Unit**	
	PAUL R. FISHER	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *24 March 2009*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-26* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-26* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *26 March 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All   b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date *3/24/2009*.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   Amendment received on March 24, 2009 has been acknowledged. Claims 1, 10,

16, 20-26 have been amended. Claims 1-26, are currently pending and have been

considered below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Rick Shefchik: "Every day, more PC users join in hunt for alien life" (Oct 15, 1999)

hereafter Shefchik, in view of Hubbard (US 2001/0039397 A1).

        As per claim 1, Shefchik discloses a method, comprising:

        sending processor-executable code to a plurality of users (page 2, paragraph 4;

discloses that users are sent packets to be analyzed);

        requesting that the users run the processor-executable code on network-coupled

computing arrangements accessible by the users (page 2, paragraphs 7, 12 and 13;

disclose that the program involves requesting users to download a packet of information

and then analyze it, part of this is running the SETI code to analyze the packet of

information);

        running the processor-executable code on each of the computing arrangements

to perform distributed computing tasks on the computing arrangement, the distributed

computing tasks working in concert to solve a computational problem (page 2,

paragraphs 13-15; disclose that the various packets of information are analyzed on

various computers and then all sent to SETI for further analysis, all of this computing

devices work together to examine this vast amount of data); and

providing, as a result of the distributed computing task, a user-perceivable

experience via the computing arrangements, the user-perceivable experience

configured for purposes of marketing the commercial activity (page 2, paragraphs 12,

16 and 17; disclose as part of the process a screen saver is shown rendering frames or

images onto the user's computer).

Shefchik fails to explicitly disclose where this method can be used for marketing

commercial activity. Shefchik further fails to explicitly disclose tracking the distributed

computing tasks performed by each contributing user; and providing, as a reward for

performing the distributed computing task, a user-perceivable experience via the

computing arrangements, wherein the user-perceivable experience is configured for

purposes of marketing a commercial activity, and wherein access to the user-

perceivable experience is governed based on a quantity of the distributed computing

tasks performed by each contributing user.

Hubbard, which talks about a system and method for monitizing network

connected user bases utilizing distributed processing systems, teaches that distributive

networks can be used for various means including marketing commercial activity (page

4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network

advertisements could be sent to distributed devices).

Hubbard, further teaches tracking the distributed computing tasks performed by each contributing user (Page 13, paragraph [0123]; teaches that each user is tracked for idle time, since the more idle time they have the more processing the machine is able to accomplish and the more incentives they are likely to receive. Page 7, paragraphs [0075]-[0077]; teaches that based on how much work the system is performing the number of entries into the sweepstakes are received, from this it is shown that the amount of work performed is tracked to determine the amount or reward received for each user); and

providing, as a reward for performing the distributed computing task, a user-perceivable experience via the computing arrangements, wherein the user-perceivable experience is configured for purposes of marketing a commercial activity, and wherein access to the user-perceivable experience is governed based on a quantity of the distributed computing tasks performed by each contributing user (Page 4, paragraph [0052]; teaches that incentives are provided for being part of the distributed processing system, these incentives include sweepstakes, airline frequent-flyer miles, purchasing credits and vouchers, payments of money, monetary prizes, property prizes, free trips, time-share rentals, cruises, connectivity services, free or reduced cost Internet access, domain name hosting, mail accounts, participation in significant research projects, achievement of personal goals, or any other desired incentive or reward. The term user-perceivable experience is loosely disclosed in the applicant's specification as "This user-perceivable experience may be, for example, a graphic or video shown in a display" the term perceivable is defined by Merriam-Webster as 1 a: to attain awareness

or understanding of **b:** to regard as being such **2:** to become aware of through the

senses http://www.merriam-webster.com/dictionary/perceivable. From this the Examiner

asserts that a user-perceivable experience is any experience that the user of the system

is able to perceive or is aware of through the senses. Hubbard Page 18, paragraph

[0158]; teaches that the user through the use of their system can perceive or be aware

of their entries into the sweepstakes which are based on the number of tasks they have

performed for the distributive system. Which shows that the sweepstakes is in itself a

user-perceivable experience since it can be shown to the user through a web interface.

Page 7, paragraphs [0075]-[0077]; teaches that based on how much work the system is

performing the number of entries into the sweepstakes are received, from this it is

shown that the amount of work performed is tracked to determine the amount or reward

received for each user. Further the Examiner asserts that the user-perceivable

experience could also be the Free Internet Offer since the user of the system can see

they internet access and it is governed based on the participation in the distributive

processing system, for example since they participate the system governs they are

allowed access to the free Internet service the quantity of the tasks in this could be as

little as one event entitles them to a period of free Internet service).

Therefore, from this teaching of Hubbard, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify the

distributive system provided by Shefchik, with advertisements or other forms of

marketing and the use of rewards for participation as taught by Hubbard, for the

purposes of utilizing the computing power of customers, while trying to market them

new products or services. This concept of utilizing a distributive network as shown in

Hubbard would allow the service provider the ability to harness this vast computing

power at a minimal expense while still advertising products to the customer. By adding

rewards and other incentives to the users they system encourages users to participate

and stay active in the system, which would result a larger distributive computing network

and allow for more tasks to be performed.

As per claim 2, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the computational problem

comprises a processor-implemented creation of a product related to the commercial

activity (page 4, paragraph 0055 and page 11, paragraph 0105; teaches that the

computational problem could be any number of things and could be related to the

commercial activity).

The Examiner further asserts that the type of problem itself is considered to be

non-functional descriptive material since it does not change or alter the steps of the

method or structure of the system in any way. Therefore it is given little, if any

patentable weight.

As per claim 3, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the computational problem

comprises rendering of video (page 4, paragraph 0055; teaches that it can be done for

graphics rendering).

The Examiner further asserts that the type of problem itself is considered to be

non-functional descriptive material since it does not change or alter the steps of the

method or structure of the system in any way. Therefore it is given little, if any

patentable weight.

As per claim 4, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Shefchik further discloses wherein the user-perceivable experience

comprises displaying of rendered frames on the computing arrangements (page 2,

paragraph 12; disclose that the program acts as a screen saver rendering frames for the

user).

As per claim 5, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the commercial activity comprises

creation of a motion picture (page 4, paragraph 0055 and page 11, paragraph 0105;

teaches that it can be done for graphics rendering it would have been obvious that

these frames could have been for a motion picture).

The Examiner further asserts that the type of commercial activity itself is

considered to be non-functional descriptive material since it does not change or alter the

steps of the method or structure of the system in any way. Therefore it is given little, if

any patentable weight.

As per claim 6, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein two or more of the computing

arrangements perform the distributed computing tasks in a peer-to-peer arrangement

(page 12, paragraph 0116; teaches that the systems can work in a peer-to-peer

arrangement).

As per claim 7, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computing arrangements perform the distributed computing tasks in coordination with a centralized server arrangement (page 12, paragraph 0116; teaches that the system can work with a centralized server arrangement).

As per claim 8, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Shefchik further discloses wherein the distributed computing tasks include gathering input from the users of the computing arrangements (page 2, paragraph 14; discloses that the users of the system submit data to SETI).

As per claim 9, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Shefchik further discloses wherein the distributed computing tasks include storing data on the computing arrangements (page 2, paragraph 13; discloses that the information is downloaded on to the users system before being analyzed).

As per claim 10, Shefchik discloses a computer-readable medium having instructions stored thereon which are executable by a computing arrangement (page 2, paragraph 12; discloses that users must download software from the host site, this software enabling them to partake in the distributive computing process) for performing steps comprising:

performing a distributed computing task on a processor of the computing arrangement, wherein the distributed computing task is performed in concert with one or more other computing entities to solve a computational problem (page 2, paragraph 13-

15; discloses that the data is analyzed using the various computing devices and all of

the data is sent to SETI for further analysis);

providing, as a result of the distributed computing task, a user-perceivable

experience via an output of the computer arrangement, the user-perceivable experience

configured for purposes of promoting a commercial marketing activity (page 2,

paragraphs 12, 16 and 17; disclose as part of the process a screen saver is shown

rendering frames or images onto the user's computer).

Shefchik fails to explicitly disclose where this method can be used for marketing

commercial activity. Shefchik further fails to explicitly disclose tracking the distributed

computing tasks performed by each contributing user of the computing arrangement;

and providing, as a reward for performing the distributed computing task, a user-

perceivable experience via the computing arrangement, wherein the user-perceivable

experience is configured for purposes of marketing a commercial activity, and wherein

access to the user-perceivable experience is governed based on a quantity of the

distributed computing tasks performed by each contributing user.

Hubbard, which talks about a system and method for monitizing network

connected user bases utilizing distributed processing systems, teaches that distributive

networks can be used for various means including marketing commercial activity (page

4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network

advertisements could be sent to distributed devices).

Hubbard, further teaches tracking the distributed computing tasks performed by

each contributing user (Page 13, paragraph [0123]; teaches that each user is tracked

for idle time, since the more idle time they have the more processing the machine is

able to accomplish and the more incentives they are likely to receive. Page 7,

paragraphs [0075]-[0077]; teaches that based on how much work the system is

performing the number of entries into the sweepstakes are received, from this it is

shown that the amount of work performed is tracked to determine the amount or reward

received for each user); and

provide, as a reward for performing the distributed computing task, a user-

perceivable experience via the computing arrangements, wherein the user-perceivable

experience is configured for purposes of marketing a commercial activity, and wherein

access to the user-perceivable experience is governed based on a quantity of the

distributed computing tasks performed by each contributing user (Page 4, paragraph

[0052]; teaches that incentives are provided for being part of the distributed processing

system, these incentives include sweepstakes, airline frequent-flyer miles, purchasing

credits and vouchers, payments of money, monetary prizes, property prizes, free trips,

time-share rentals, cruises, connectivity services, free or reduced cost Internet access,

domain name hosting, mail accounts, participation in significant research projects,

achievement of personal goals, or any other desired incentive or reward. The term user-

perceivable experience is loosely disclosed in the applicant's specification as "This

user-perceivable experience may be, for example, a graphic or video shown in a

display" the term perceivable is defined by Merriam-Webster as 1 a: to attain awareness

or understanding of **b:** to regard as being such 2: to become aware of through the

senses http://www.merriam-webster.com/dictionary/perceivable. From this the Examiner

asserts that a user-perceivable experience is any experience that the user of the system

is able to perceive or is aware of through the senses. Hubbard Page 18, paragraph

[0158]; teaches that the user through the use of their system can perceive or be aware

of their entries into the sweepstakes which are based on the number of tasks they have

performed for the distributive system. Which shows that the sweepstakes is in itself a

user-perceivable experience since it can be shown to the user through a web interface.

Page 7, paragraphs [0075]-[0077]; teaches that based on how much work the system is

performing the number of entries into the sweepstakes are received, from this it is

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experience could also be the Free Internet Offer since the user of the system can see

they internet access and it is governed based on the participation in the distributive

processing system, for example since they participate the system governs they are

allowed access to the free Internet service the quantity of the tasks in this could be as

little as one event entitles them to a period of free Internet service).

Therefore, from this teaching of Hubbard, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify the

distributive system provided by Shefchik, with advertisements or other forms of

marketing and the use of rewards for participation as taught by Hubbard, for the

purposes of utilizing the computing power of customers, while trying to market them

new products or services. This concept of utilizing a distributive network as shown in

Hubbard would allow the service provider the ability to harness this vast computing

power at a minimal expense while still advertising products to the customer. By adding

rewards and other incentives to the users they system encourages users to participate

and stay active in the system, which would result a larger distributive computing network

and allow for more tasks to be performed.

As per claim 11, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the computational problem

comprises a processor-implemented creation of a product related to the commercial

marketing activity (page 4, paragraph 0055 and page 11, paragraph 0105; teaches that

the computational problem could be any number of things and could be related to the

commercial activity).

The Examiner further asserts that the type of problem itself is considered to be

non-functional descriptive material since it does not change or alter the steps of the

method or structure of the system in any way. Therefore it is given little, if any

patentable weight.

As per claim 12, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the computing arrangement is

coupled to one or more of the computing entities in a peer-to-peer arrangement to

perform the distributed computing task (page 12, paragraph 0116; teaches that the

systems can work in a peer-to-peer arrangement).

As per claim 13, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the distributed computing task is

performed in coordination with a centralized server arrangement (page 12, paragraph

0116; teaches that the system can work with a centralized server arrangement).

As per claim 14, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Shefchik further discloses wherein the distributed computing task

includes gathering input from the user of the computing arrangement (page 2,

paragraph 14; discloses that the users of the system submit data to SETI).

As per claim 15, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Shefchik further discloses wherein the distributed computing task

comprises storing data on the computing arrangement (page 2, paragraph 13; discloses

that the information is downloaded on to the users system before being analyzed).

As per claim 16, Shefchik discloses a system comprising:

a plurality of network-coupled computing arrangements, each computing

arrangement including a processor coupled to a memory (page 2, paragraph 12;

discloses that all users must have a set number of ram and hard drive space and since

they are performed on a computer must include a processor), the memory containing

instructions configured to cause the processor to,

perform a distributed computing task on each computing arrangement, the

distributed computing task operating in concert with other computing arrangements of

the plurality of computing arrangements to solve a computation problem (page 2,

paragraphs 13-15; disclose that the data is analyzed using the various computing

devices and all of the data is sent to SETI for further analysis); and

initiate a user-perceivable experience on each computing arrangement as a result of the distributed computing task, wherein the user-perceivable experience is related to a commercial marketing activity (page 2, paragraphs 12, 16 and 17; disclose as part of the process a screen saver is shown rendering frames or images onto the users computer).

Shefchik fails to explicitly disclose where this method can be used for marketing commercial activity. Shefchik further fails to explicitly disclose tracking the distributed computing tasks performed by each contributing user of each computing arrangement; and initiate a user-perceivable experience on each computing arrangement as a reward for performing the distributed computing task, wherein the user-perceivable experience is related to a commercial marketing activity, and wherein access to the user-perceivable experience is governed based on a quantity of the distributed computing tasks performed by each contributing user.

Hubbard, which talks about a system and method for monitizing network connected user bases utilizing distributed processing systems, teaches that distributive networks can be used for various means including marketing commercial activity (page 4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network advertisements could be sent to distributed devices).

Hubbard, further teaches tracking the distributed computing tasks performed by each contributing user of each computing arrangement (Page 13, paragraph [0123]; teaches that each user is tracked for idle time, since the more idle time they have the more processing the machine is able to accomplish and the more incentives they are

likely to receive. Page 7, paragraphs [0075]-[0077]; teaches that based on how much

work the system is performing the number of entries into the sweepstakes are received,

from this it is shown that the amount of work performed is tracked to determine the

amount or reward received for each user); and

initiate a user-perceivable experience on each computing arrangement as a

reward for performing the distributed computing task, wherein the user-perceivable

experience is related to a commercial marketing activity, and wherein access to the

user-perceivable experience is governed based on a quantity of the distributed

computing tasks performed by each contributing user (Page 4, paragraph [0052];

teaches that incentives are provided for being part of the distributed processing system,

these incentives include sweepstakes, airline frequent-flyer miles, purchasing credits

and vouchers, payments of money, monetary prizes, property prizes, free trips, time-

share rentals, cruises, connectivity services, free or reduced cost Internet access,

domain name hosting, mail accounts, participation in significant research projects,

achievement of personal goals, or any other desired incentive or reward. The term user-

perceivable experience is loosely disclosed in the applicant's specification as "This

user-perceivable experience may be, for example, a graphic or video shown in a

display" the term perceivable is defined by Merriam-Webster as 1 a: to attain awareness

or understanding of b: to regard as being such 2: to become aware of through the

senses http://www.merriam-webster.com/dictionary/perceivable. From this the Examiner

asserts that a user-perceivable experience is any experience that the user of the system

is able to perceive or is aware of through the senses. Hubbard Page 18, paragraph

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allowed access to the free Internet service the quantity of the tasks in this could be as

little as one event entitles them to a period of free Internet service).

Therefore, from this teaching of Hubbard, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify the

distributive system provided by Shefchik, with advertisements or other forms of

marketing and the use of rewards for participation as taught by Hubbard, for the

purposes of utilizing the computing power of customers, while trying to market them

new products or services. This concept of utilizing a distributive network as shown in

Hubbard would allow the service provider the ability to harness this vast computing

power at a minimal expense while still advertising products to the customer. By adding

rewards and other incentives to the users they system encourages users to participate

and stay active in the system, which would result a larger distributive computing network and allow for more tasks to be performed.

As per claim 17, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein the computational problem comprises a processor-implemented creation of a product related to the commercial marketing activity (page 4, paragraph 0055 and page 11, paragraph 0105; teaches that the computational problem could be any number of things and could be related to the commercial activity).

The Examiner further asserts that the type of problem itself is considered to be non-functional descriptive material since it does not change or alter the steps of the method or structure of the system in any way. Therefore it is given little, if any patentable weight.

As per claim 18, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches wherein two or more of the computing arrangements are coupled in a peer-to-peer arrangement to perform the distributed computing task (page 12, paragraph 0116; teaches that the systems can work in a peer-to-peer arrangement).

As per claim 19, the combination of Shefchik and Hubbard teaches the above-enclosed invention, Hubbard further teaches a network-coupled centralized server arrangement, wherein the computing arrangements perform the distributed computing task in coordination with the centralized server arrangement (page 12, paragraph 0116; teaches that the system can work with a centralized server arrangement).

As per claim 20, Shefchik discloses an apparatus (page 2, paragraph 7;

discloses that various users are working together for a "distributive computing" project),

comprising:

a processor coupled to a memory and a user interface (page 2, paragraph 12;

discloses that all users must have a set number of ram and hard drive space and since

they are performed on a computer must include a processor), wherein the processor

causes the apparatus to,

perform a distributed computing task operating in concert with other computing

arrangements of the plurality of computing arrangements to solve a computational

problem (page 2, paragraphs 13-15; disclose that the data is analyzed using the various

computing devices and all of the data is sent to SETI for further analysis); and

initiate a user-perceivable experience on the user interface of the computing

arrangement as a result of the distributed computing task, wherein the user-perceivable

experience is related to a commercial marketing activity (page 2, paragraphs 12, 16 and

17; disclose as part of the process a screen saver is shown rendering frames or images

onto the user's computer).

Shefchik fails to explicitly disclose where this method can be used for marketing

commercial activity. Shefchik further fails to explicitly disclose tracking the distributed

computing tasks performed by each contributing user of the apparatus; and initiate a

user-perceivable experience on the user interface of the computing arrangement as a

reward for performing the distributed computing task, wherein the user-perceivable

experience is related to a commercial marketing activity, and wherein access to the

user-perceivable experience is governed based on a quantity of the distributed

computing tasks performed by each contributing user.

Hubbard, which talks about a system and method for monitizing network

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7, paragraphs [0075]-[0077]; teaches that based on how much work the system is

performing the number of entries into the sweepstakes are received, from this it is

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arrangement as a reward for performing the distributed computing task, wherein the

user-perceivable experience is related to a commercial marketing activity, and wherein

access to the user-perceivable experience is governed based on a quantity of the

distributed computing tasks performed by each contributing user (Page 4, paragraph

[0052]; teaches that incentives are provided for being part of the distributed processing

system, these incentives include sweepstakes, airline frequent-flyer miles, purchasing

credits and vouchers, payments of money, monetary prizes, property prizes, free trips,

time-share rentals, cruises, connectivity services, free or reduced cost Internet access,

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[0158]; teaches that the user through the use of their system can perceive or be aware

of their entries into the sweepstakes which are based on the number of tasks they have

performed for the distributive system. Which shows that the sweepstakes is in itself a

user-perceivable experience since it can be shown to the user through a web interface.

Page 7, paragraphs [0075]-[0077]; teaches that based on how much work the system is

performing the number of entries into the sweepstakes are received, from this it is

shown that the amount of work performed is tracked to determine the amount or reward

received for each user. Further the Examiner asserts that the user-perceivable

experience could also be the Free Internet Offer since the user of the system can see

they internet access and it is governed based on the participation in the distributive

processing system, for example since they participate the system governs they are

allowed access to the free Internet service the quantity of the tasks in this could be as

little as one event entitles them to a period of free Internet service).

Therefore, from this teaching of Hubbard, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to modify the

distributive system provided by Shefchik, with advertisements or other forms of

marketing and the use of rewards for participation as taught by Hubbard, for the

purposes of utilizing the computing power of customers, while trying to market them

new products or services. This concept of utilizing a distributive network as shown in

Hubbard would allow the service provider the ability to harness this vast computing

power at a minimal expense while still advertising products to the customer. By adding

rewards and other incentives to the users they system encourages users to participate

and stay active in the system, which would result a larger distributive computing network

and allow for more tasks to be performed.

As per claim 21, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the computational problem

comprises a processor-implemented creation of a product related to the commercial

marketing activity (page 4, paragraph 0055 and page 11, paragraph 0105; teaches that

the computational problem could be any number of things and could be related to the

commercial activity).

The Examiner further asserts that the type of problem itself is considered to be

non-functional descriptive material since it does not change or alter the steps of the

method or structure of the system in any way. Therefore it is given little, if any

patentable weight.

As per claim 22, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the apparatus is coupled to one or

more of the computing entities in a peer-to-peer arrangement to perform the distributed

computing task (page 12, paragraph 0116; teaches that the systems can work in a peer-

to-peer arrangement).

As per claim 23, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the apparatus performs the

distributed computing task in coordination with a centralized server arrangement (page

12, paragraph 0116; teaches that the system can work with a centralized server

arrangement).

As per claim 24, the combination of Shefchik and Hubbard teaches the above-

enclosed invention, Hubbard further teaches wherein the apparatus comprises a mobile

terminal (page 3, paragraph 0048; teaches that the devices that can be used in such a

system include wireless devices or mobile terminals).

As per claim 25, Shefchik discloses a system, comprising:

means for sending process-executable code to a plurality of users (page 2,

paragraph 4; discloses that users are sent packets to be analyzed);

means for requesting that the users run the processor-executable code on

network-coupled computing arrangements accessible by the users (page 2, paragraphs

7, 12 and 13; disclose that the program involves requesting users to download a packet

of information and then analyze it, part of this is running the SETI code to analyze the

packet of information);

means for performing a distributed computing task on each of the computing

arrangements by running the processor-executable code on the computing

arrangements, the distributed computing tasks working in concert to solve a

computational problem (page 2, paragraphs 13-15; disclose that the various packets of

information are analyzed on various computers and then all sent to SETI for further

analysis, all of this computing devices work together to examine this vast amount of

data); and

means for providing, as a result of the distributed computing task, a user-

perceivable experience via the computing arrangements, the user-perceivable

experience configured for purposes of marketing the commercial activity (page 2,

paragraphs 12, 16 and 17; disclose as part of the process a screen saver is shown

rendering frames or images onto the users computer).

Shefchik fails to explicitly disclose where this method can be used for marketing

commercial activity. Shefchik further fails to explicitly disclose means for tracking the

distributed computing tasks performed by each contributing user; and means for

providing, as a reward for performing the distributed computing task, a user-perceivable

experience via the computing arrangements, wherein the user-perceivable experience

is configured for purposes of marketing a commercial activity, and wherein access to

the user-perceivable experience is governed based on a quantity of the distributed

computing tasks performed by each contributing user.

Hubbard, which talks about a system and method for monitizing network connected user bases utilizing distributed processing systems, teaches that distributive networks can be used for various means including marketing commercial activity (page 4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network advertisements could be sent to distributed devices).

Hubbard, further teaches means for tracking the distributed computing tasks performed by each contributing user (Page 13, paragraph [0123]; teaches that each user is tracked for idle time, since the more idle time they have the more processing the machine is able to accomplish and the more incentives they are likely to receive. Page 7, paragraphs [0075]-[0077]; teaches that based on how much work the system is performing the number of entries into the sweepstakes are received, from this it is shown that the amount of work performed is tracked to determine the amount or reward received for each user); and

means for providing, as a reward for performing the distributed computing task, a user-perceivable experience via the computing arrangements, wherein the user-perceivable experience is configured for purposes of marketing a commercial activity, and wherein access to the user-perceivable experience is governed based on a quantity of the distributed computing tasks performed by each contributing user (Page 4, paragraph [0052]; teaches that incentives are provided for being part of the distributed processing system, these incentives include sweepstakes, airline frequent-flyer miles, purchasing credits and vouchers, payments of money, monetary prizes, property prizes, free trips, time-share rentals, cruises, connectivity services, free or reduced cost

Internet access, domain name hosting, mail accounts, participation in significant

research projects, achievement of personal goals, or any other desired incentive or

reward. The term user-perceivable experience is loosely disclosed in the applicant's

specification as "This user-perceivable experience may be, for example, a graphic or

video shown in a display" the term perceivable is defined by Merriam-Webster as 1 a: to

attain awareness or understanding of **b**: to regard as being such 2: to become aware of

through the senses http://www.merriam-webster.com/dictionary/perceivable. From this

the Examiner asserts that a user-perceivable experience is any experience that the user

of the system is able to perceive or is aware of through the senses. Hubbard Page 18,

paragraph [0158]; teaches that the user through the use of their system can perceive or

be aware of their entries into the sweepstakes which are based on the number of tasks

they have performed for the distributive system. Which shows that the sweepstakes is in

itself a user-perceivable experience since it can be shown to the user through a web

interface. Page 7, paragraphs [0075]-[0077]; teaches that based on how much work the

system is performing the number of entries into the sweepstakes are received, from this

it is shown that the amount of work performed is tracked to determine the amount or

reward received for each user. Further the Examiner asserts that the user-perceivable

experience could also be the Free Internet Offer since the user of the system can see

they internet access and it is governed based on the participation in the distributive

processing system, for example since they participate the system governs they are

allowed access to the free Internet service the quantity of the tasks in this could be as

little as one event entitles them to a period of free Internet service).

Therefore, from this teaching of Hubbard, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the distributive system provided by Shefchik, with advertisements or other forms of marketing and the use of rewards for participation as taught by Hubbard, for the purposes of utilizing the computing power of customers, while trying to market them new products or services. This concept of utilizing a distributive network as shown in Hubbard would allow the service provider the ability to harness this vast computing power at a minimal expense while still advertising products to the customer. By adding rewards and other incentives to the users they system encourages users to participate and stay active in the system, which would result a larger distributive computing network and allow for more tasks to be performed.

As per claim 26, Shefchik discloses a method, comprising:

receiving processor-executable code at a computing arrangement capable of being coupled to a network (page 2, paragraph 4; discloses that users are sent packets to be analyzed, from this it is shown that the users of the system receive the file);

executing the processor-executable code the computing arrangement to perform a distributed computing task that works in concert with other computing arrangements to solve a computational problem (page 2, paragraphs 13-15; disclose that the various packets of information are analyzed on various computers and then all sent to SETI for further analysis, all of this computing devices work together to examine this vast amount of data); and

providing, as a result of the distributed computing task, a user-perceivable

experience via the computing arrangement for purposes of marketing the commercial

activity (page 2, paragraphs 12, 16 and 17; disclose as part of the process a screen

saver is shown rendering frames or images onto the users computer).

Shefchik fails to explicitly disclose where this method can be used for marketing

commercial activity. Shefchik further fails to explicitly disclose tracking the distributed

computing tasks performed by each contributing user of the computing arrangement;

and providing, as a reward for performing the distributed computing task, a user-

perceivable experience via the computing arrangement for purposes of marketing a

commercial activity, wherein access to the user-perceivable experience is governed

based on a quantity of the distributed computing tasks performed by each contributing

user.

Hubbard, which talks about a system and method for monitizing network

connected user bases utilizing distributed processing systems, teaches that distributive

networks can be used for various means including marketing commercial activity (page

4, paragraph 0052 and page 11, paragraph 0105; teach that in a distributive network

advertisements could be sent to distributed devices).

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each contributing user of the computing arrangement (Page 13, paragraph [0123];

teaches that each user is tracked for idle time, since the more idle time they have the

more processing the machine is able to accomplish and the more incentives they are

likely to receive. Page 7, paragraphs [0075]-[0077]; teaches that based on how much

work the system is performing the number of entries into the sweepstakes are received,

from this it is shown that the amount of work performed is tracked to determine the

amount or reward received for each user); and

   providing, as a reward for performing the distributed computing task, a user-

perceivable experience via the computing arrangement for purposes of marketing a

commercial activity, wherein access to the user-perceivable experience is governed

based on a quantity of the distributed computing tasks performed by each contributing

user (Page 4, paragraph [0052]; teaches that incentives are provided for being part of

the distributed processing system, these incentives include sweepstakes, airline

frequent-flyer miles, purchasing credits and vouchers, payments of money, monetary

prizes, property prizes, free trips, time-share rentals, cruises, connectivity services, free

or reduced cost Internet access, domain name hosting, mail accounts, participation in

significant research projects, achievement of personal goals, or any other desired

incentive or reward. The term user-perceivable experience is loosely disclosed in the

applicant's specification as "This user-perceivable experience may be, for example, a

graphic or video shown in a display" the term perceivable is defined by Merriam-

Webster as 1 a: to attain awareness or understanding of b: to regard as being such 2:

to become aware of through the senses http://www.merriam-

webster.com/dictionary/perceivable. From this the Examiner asserts that a user-

perceivable experience is any experience that the user of the system is able to perceive

or is aware of through the senses. Hubbard Page 18, paragraph [0158]; teaches that

the user through the use of their system can perceive or be aware of their entries into

the sweepstakes which are based on the number of tasks they have performed for the

distributive system. Which shows that the sweepstakes is in itself a user-perceivable

experience since it can be shown to the user through a web interface. Page 7,

paragraphs [0075]-[0077]; teaches that based on how much work the system is

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little as one event entitles them to a period of free Internet service).

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purposes of utilizing the computing power of customers, while trying to market them

new products or services. This concept of utilizing a distributive network as shown in

Hubbard would allow the service provider the ability to harness this vast computing

power at a minimal expense while still advertising products to the customer. By adding

rewards and other incentives to the users they system encourages users to participate

and stay active in the system, which would result a larger distributive computing network and allow for more tasks to be performed.

Response to Arguments

4.   Applicant's arguments filed March 24, 2009 have been fully considered but they are not persuasive.

5.   In response to the applicant's argument that, "Shefchik does not describe any change in the access to the screensaver based on a quantity of distributed computing tasks performed by the user's computer," the Examiner respectfully disagrees. The claims as currently written recite "wherein access to the user-perceivable experience is governed based on a quantity of the distributed computing tasks performed by each contributing user", the Examiner is taking this to mean that the user is able to access the user-perceivable experience based on the tasks they have performed in this case since they performing a distributive computing task they are allowed or able to seen the screen saver as disclosed in Shefchik, their participation governs their access to the visual experience in this case the screen saver. Further as shown in the rejection above the user-perceivable experience could also be a reward as shown in Hubbard, where the user is able to see their reward based on the number of tasks they have performed, see rejection above. The Examiner asserts that the prior art listed reads over the claims as currently written and therefore the rejection is maintained.

6.   In response to the applicant's argument that, "Hubbard does not teach or suggest that an incentive that includes a user perceivable experience provided by the same arrangement that performs distributed tasks," the Examiner respectfully disagrees. As

shown in the above rejection Hubbard teaches that the user can receive free internet

access on the same arrangement that performs the distributed task, the user can also

view their entries into the sweepstakes, both of theses are considered by the Examiner

to be user-perceivable experiences and both of them are done on the same

arrangement that performs the distributed task. For this reason the Examiner asserts

that the prior art reads over the claims as currently written and therefore the rejection

has been maintained.

7.   In response to the applicant's argument that, "nowhere does Hubbard describe

governing access to a user-perceivable experience based on a quantity of the

distributed computing tasks performed by each contributing user," the Examiner

respectfully disagrees. As shown in the above rejection Hubbard teaches on Page 4,

paragraph [0052]; that incentives are provided for being part of the distributed

processing system, these incentives include sweepstakes, airline frequent-flyer miles,

purchasing credits and vouchers, payments of money, monetary prizes, property prizes,

free trips, time-share rentals, cruises, connectivity services, free or reduced cost

Internet access, domain name hosting, mail accounts, participation in significant

research projects, achievement of personal goals, or any other desired incentive or

reward. The term user-perceivable experience is loosely disclosed in the applicant's

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of the system is able to perceive or is aware of through the senses. Hubbard Page 18,

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interface. Page 7, paragraphs [0075]-[0077]; teaches that based on how much work the

system is performing the number of entries into the sweepstakes are received, from this

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experience could also be the Free Internet Offer since the user of the system can see

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processing system, for example since they participate the system governs they are

allowed access to the free Internet service the quantity of the tasks in this could be as

little as one event entitles them to a period of free Internet service. The Examiner

asserts that the prior art reads over the claims as currently written and therefore the

rejection has been maintained.

8.   All rejections made towards the dependent claims are maintained due to the lack

of a reply by the applicant in regards to distinctly and specifically point out the supposed

errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner

asserts that the applicant only argues that the dependent claims should be allowable

because the independent claims are unobvious and unpatentable over Shefchik and

Hubbard.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-

5097. The examiner can normally be reached on Mon/Fri [8am/4:30pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF
        /Dennis Ruhl/
        Primary Examiner, Art Unit 3689